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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,152	07/03/2003	John G. Freshwater	18693.18	6735
27683	7590	04/07/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			GOODMAN, CHARLES	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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DETAILED ACTION

1. The Amendment filed on 1/26/05 has been entered.

Election/Restrictions

2. Applicant's election of Group I in the reply filed on 1/26/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). It is noted that Applicant simply states traversal on the grounds set forth by the Examiner without any corresponding arguments traversing the restriction requirement. The lack of the same is the basis for the above.
3. Claims 27-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/26/05 for the reasons stated supra.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

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various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al (US 6,220,329) in view of Simpson et al (US 5,641,551).

King et al discloses the invention substantially as claimed except that King et al is silent on the claimed four different patterns. However, Simpson et al teaches an apparatus method for cutting webs wherein multiple patterns may be cut out by a cutting assembly. Note Fig. 2. Simpson et al's teachings suggest to one of ordinary skill in the art that multiple pattern cutting is desirable for more efficient run of orders during the operation of the invention. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the invention of King et al with the multiple pattern adaptability, e.g. the claimed four patterns as taught and suggested by Simpson et al in order to facilitate fulfillment of multiple orders of different patterns.

Regarding claim 5, although modified invention of King et al is not explicit on the specific pattern, i.e. dragon tooth, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the modified invention of King et al with the dragon tooth shape in order to facilitate production of one of various well known shingle designs, since such a modification would have involved a mere change in the shape of a component. A change in shape is generally recognized as being within the level of

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ordinary skill in the art, especially since such a change does not render unexpected or unobvious results. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Conclusion

7. Adami, Phillips et al, White et al, Koelsch, Passafiume et al, and Miles are cited as pertinent art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (571) 272-4514. In lieu of mailing, it is encouraged that all formal responses be faxed to (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

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April 5, 2005



Charles Goodman
Primary Examiner
AU 3724

CHARLES GOODMAN
PRIMARY EXAM